

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) DANA BURR, an individual,)	
Plaintiff,)	
)	
)	Case No. 4:23-cv-00071-CVE-JFJ
)	
(1) YOGESH MITTAL, an individual,)	
(2) BRISTOW ENDEAVOR HEALTHCARE,)	Removed from the District Court of
LLC, d/b/a CENTER FOR)	Tulsa County, Oklahoma
ORTHOPAEDIC RECONSTRUCTION)	Case No. CJ-2023-252
AND EXCELLENCE, a foreign limited)	JURY TRIAL DEMANDED
liability company,)	
Defendants.)	
)	

DEFENDANTS' JOINT NOTICE AND PETITION OF REMOVAL

1. Plaintiff has filed suit in the District Court of Tulsa County, in the lawsuit styled

Dana Burr v. Yogesh Mittal, an individual, and Bristow Endeavor Healthcare, LLC, d/b/a Center for Orthopaedic Reconstruction and Excellence, a foreign limited liability company, Case No. CJ-2023-252. Defendants Yogesh Mittal and Bristow Endeavor Healthcare, LLC, d/b/a Center for Orthopaedic Reconstruction and Excellence, a foreign limited liability company, (“Defendants”) hereby give notice of their removal of the action currently pending in the District Court of Tulsa County, State of Oklahoma, pursuant to 28 U.S.C. § 1441 *et seq.*, Fed. R. Civ. P. 81(c), and Local Rules 81 of the United States District Court for the Northern District of Oklahoma. In support of their Notice and Petition for Removal, Defendants provide to the Court as follows:

2. Defendant Mittal was served by email on his attorney on January 25, 2023.

Defendant Bristow Endeavor Healthcare, LLC, d/b/a Center for Orthopaedic Reconstruction and Excellence, a foreign limited liability company, was served by email on its attorney on February

15, 2023. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) as it is filed within 30 days of service of process upon the Defendants.

3. Defendant Mittal filed his Answer to Plaintiff's Petition on February 14, 2023 and Defendant Bristow Endeavor Healthcare, LLC, d/b/a Center for Orthopaedic Reconstruction and Excellence, a foreign limited liability company, has not filed an Answer. Defendants all consent and join in this removal.

4. Pursuant to 28 U.S.C §§ 1331 and 1446, Defendants remove this action to the United States District Court for the Northern District of Oklahoma as Plaintiff has alleged claims arising under the laws of the United States, including claims under Title VII of the Civil Rights Act, codified at 42 U.S.C.A. § 2000e, *et al.* As such, the United States District Court for the Northern District of Oklahoma has original subject matter jurisdiction of this case pursuant to 28 U.S.C. § 1331. Additionally, the United States Court for the Northern District of Oklahoma may have supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

5. Pursuant to 28 U.S.C. §§ 1441, 1446, and Local Civil Rule 81.2, copies of all process, pleadings, and orders filed or served upon Defendants in the aforementioned state court action are attached hereto as follows, and made a part hereof:

- (a) Exhibit 1 – State Court Docket Sheet;
- (b) Exhibit 2 – Petition filed on January 20, 2023
- (c) Exhibit 3 – Entry of Appearance of Paul Ross and Alexis Barnes filed on February 14, 2023
- (d) Exhibit 4 – Answer of Dr. Mittal filed on February 14, 2023

6. Written notice of the filing of this Notice of Removal will be promptly provided to all parties via regular mail. Also, a copy of this Notice of Removal will be filed with the clerk of the District Court of Tulsa County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

7. Defendants respectfully reserve the right to file all appropriate motions and raise all defenses and objections in this action after it has been properly removed to the United States District Court for the Northern District of Oklahoma.

WHEREFORE, all Defendants jointly and respectfully request that this action be removed from the District Court of Tulsa County, State of Oklahoma to the United States District Court for the Northern District of Oklahoma, and for such other and further relief as this Court deems proper under the circumstances.

JURY TRIAL DEMANDED.

Respectfully submitted,

s/ Jessica L. Dark
Robert S. Laffrandre, OBA No. 11897
Jessica L. Dark, OBA No. 31236
PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, L.L.P.
1109 North Francis Avenue
Oklahoma City, Oklahoma 73106
Telephone: (405) 235-1611
Facsimile: (405) 235-2904
rlaffrandre@piercecouch.com
jdark@piercecouch.com
Attorneys for Defendant Bristow Endeavor Healthcare, LLC

s/ Paul A. Ross
Paul A. Ross, OBA #19699
Alexis S. Barnes, OBA #35052
MCAFEE & TAFT
A PROFESSIONAL CORPORATION
Eighth Floor, Two Leadership Square
211 N. Robinson Avenue
Oklahoma City, Oklahoma 73102

Telephone: (405) 235-9621
Facsimile: (405) 235-0439
paul.ross@mcafeetaft.com
alexis.barnes@mcafeetaft.com
Attorneys for Defendant Yogesh Mittal

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2023, I caused to be served a true and correct copy of the foregoing document, by mailing such document to the following attorneys of record, with proper postage paid thereon:

Damario Solomon-Simmons
Kymberli J. M. Heckenkemper
601 S. Boulder Avenue, Suite 600
Tulsa, Oklahoma 74119

and further that a copy of said Notice of Removal was mailed to District Court of Tulsa County.

s/ Jessica L. Dark
Jessica L. Dark